

SUPPLEMENT—(Continued).

Number of Bill or Resolu- tion	Date Filed	Vote	
		House	Senate
S. B. No. 265.....	May 16, 1933	Yeas 101	Yeas 30
	4:35 p. m.	Nays 5	Nays 0
S. B. No. 268.....	May 16, 1933	Yeas 104	Yeas 30
	4:35 p. m.	Nays 0	Nays 0
S. B. No. 287.....	May 16, 1933	Yeas 100	Yeas 30
	4:35 p. m.	Nays 9	Nays 0
S. B. No. 300	May 16, 1933	Yeas 125	Yeas 31
	4:15 p. m.	Nays 0	Nays 0
S. B. No. 488.....	May 16, 1933	Yeas 108	Yeas 29
	4:35 p. m.	Nays 0	Nays 0
S. B. No. 499	May 16, 1933	Yeas 105	Yeas 30
	4:15 p. m.	Nays 0	Nays 0
S. B. No. 533.....	May 16, 1933	Yeas 107	Yeas 26
	4:15 p. m.	Nays 0	Nays 0

W. W. HEATH, Secretary of State.

SEVENTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
May 18, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

S. C. R. No. 70.

Senator Woodul sent up the following resolution:

Whereas, The Federal Government has notified the Texas Rehabilitation and Relief Commission that it proposes to open up several camps for rehabilitation work in Texas, using Texas unemployed; and

Whereas, They have informed the Commission that it will be necessary to arrange for trucks to be used in connection with such camps; and

Whereas, The Texas Highway Commission has available motor trucks that could be loaned to the Texas Rehabilitation and Relief Commission for this temporary work; and

Whereas, The Highway Commission is willing to co-operate in this undertaking; now therefore, be it

Resolved by the Senate of Texas, the House concurring, That the Highway Commission be and it is hereby authorized to loan to the Texas Rehabilitation and Relief Commission such trucks as it has available, taking proper receipt of

such Rehabilitation and Relief Commission and under such terms as may be mutually agreed upon by the said Texas Highway Commission and the Texas Rehabilitation and Relief Commission.

WOODUL.

The resolution was read

The rule requiring resolutions to be referred before consideration was suspended by unanimous consent.

The resolution was adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 18, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on Senate Bill No. 472. The following are conferees on the part of the House:

Harman, Dunlap, Harrison, Scott, and Good.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 551. The following are conferees on the part of the House:

Englehard, Hodges, Moore, Palmer, and Parkhouse.

Respectfully submitted

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Report.

Senator Woodul sent up the following free conference committee report:

Committee Room,

Austin, Texas, May 16, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the House and Senate on

H. B. No. 175, A bill to be entitled "An Act authorizing the creation of corporations under the General Laws of this State for the purpose of forming and operating a general detective agency to do a general detective

business, prescribing the amount of capital stock required of such corporations; requiring as a condition precedent to such corporation doing business in the State the execution of a surety bond or insurance policy to be deposited with the Secretary of State for the use and benefit of persons who may be injured by such corporation, servants, officers, agents or employees; and providing that the provisions hereof shall apply to foreign corporations doing a like business in this State, and providing further that said Act shall not be construed to confer the authority of a peace officer upon the servants, officers, agents or employees of such corporation unless otherwise authorized by law and declaring an emergency."

Have considered same and beg leave to request that the bill pass in the following form.

RAWLINGS,
BLACKERT,
COLLIE,
WOODUL,

On the part of the Senate.

HOLLAND,
VAN ZANDT,
RATLIFF,
WALKER,
DANIEL,

On the part of the House.

By Holland.

H. B. No. 175.

A BILL

To Be Entitled

An Act authorizing the creation of corporations under the General Laws of this State for the purpose of forming and operating a general detective agency to do a general detective business, prescribing the amount of capital stock required of such corporations; requiring as a condition precedent to such corporation doing business in the State the execution of a surety bond or insurance policy to be deposited with the Secretary of State for the use and benefit of persons who may be injured by such corporation, servants, officers, agents or employees; and providing that the provisions hereof shall apply to foreign corporations doing a like business in this State, and providing further that said Act shall not be construed to confer the authority of a peace officer

upon the servants, officers, agents or employees of such corporation unless otherwise authorized by law, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. Private corporations may be created under the General Laws of this State by the voluntary association of three or more persons for the purpose of authorizing, creating and operating a general detective agency to furnish detectives to make investigations and reports of same to the proper persons, to guard, watch and protect property of industrial plants, business institutions and residential properties in this State; providing, however, no such corporation shall be created with less than ten thousand (\$10,000) dollars capital stock, and providing further that no such corporation shall be incorporated as herein provided, nor shall any permit be issued to any foreign corporation until such corporation shall have executed a good and sufficient surety bond or insurance policy (in the event of a bond to be signed by some good solvent bonding company authorized to do business in this State, and in the event of an insurance policy to be executed by some good solvent insurance company authorized to do business in this State) and deliver the same to the Secretary of State. Said surety bond or insurance policy shall be in the sum of ten thousand (\$10,000) dollars and shall be conditioned that the obliger therein will pay to the extent of the face amount of such surety bond or insurance policy all judgments which may be recovered against said detective agency by reason of the wrongful or illegal acts of its servants, officers, agents or employees committed by them in the course of their employment. Said surety bond or insurance policy shall further be conditioned that such persons so injured shall have the right to sue directly upon such surety bond or insurance policy in their own name, and the same shall be subject to successive suits for recovery until a complete exhaustion of the face amount thereof. Each such detective agency shall, on or before the date of the expiration of the terms of any surety bond or in-

surance policy so filed by such agency file a renewal thereof, or a new surety bond or insurance policy containing the same terms or obligations of the preceding surety bond or policy, and shall each year thereafter on or before the expiration date of the existing surety bond or insurance policy, file such renewal surety bond or insurance policy so as to provide continuous security to persons so injured, and in the event any such detective agency fails to execute any surety bond or insurance policy in the first instance, or to execute any renewal surety bond or insurance policy, or to file the same with the Secretary of State as provided herein, it shall constitute grounds for the forfeiture of the charter of a domestic corporation and the permit of a foreign corporation in a suit to be instituted at the instance of the Attorney General. Nothing herein shall be construed to authorize the agents, servants, officers or employees of such corporation to have the power of peace officers in this State unless such power be conferred thereon under the provisions of some other law of this State.

Sec. 2. The fact that the General Laws of the State of Texas do not authorize the creating and operating of detective agencies and furnishing detectives for the purpose of making investigations and reports, and guards and watchmen to protect industrial plants, business property and residential property, and the further fact of the crowded condition of the calendar creates and constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in each House on three several days be suspended, and this Act take effect and be in full force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—26.

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
Cousins.	Neal.
Duggan.	Oneal.
Fellbaum.	Pace.
Holbrook.	Parr.
Hornsby.	Patton.

Rawlings.	Small.
Redditt.	Stone.
Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.

Nays—3.

DeBerry.	Purl.
Greer.	

Absent.

Hopkins.	Poage.
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H. J. R. No. 30.

The Chair laid before the Senate the following resolution on its second reading:

By Mr. Haag:

H. J. R. No. 30, Proposing an amendment to Article VII, of the constitution of the State of Texas, so as to authorize the taxation of lands belonging to the University of Texas, for county or school district purposes; and providing for valuation of these lands by State Tax Board; and providing for the payment of such taxes by the State of Texas, to the proper authorities of the counties where said lands are located; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor."

Read second time.

The committee amendment was read and adopted.

The resolution was passed to third reading by the following vote:

Yeas—23.

Beck.	Patton.
Blackert.	Rawlings.
Collie.	Redditt.
Cousins.	Regan.
Duggan.	Russek.
Fellbaum.	Sanderford.
Greer.	Small.
Martin.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—4.

DeBerry.	Murphy.
Hornsby.	Purl.

Absent.

Holbrook.	Moore.
Hopkins.	Poage.

60—Jour.

H. C. R. No. 66.

The Chair laid before the Senate: H. C. R. No. 66, Granting certain persons permission to sue the State for injuries caused by the collapse of a building during their work on the property in Austin, Texas, said work being paid for with R. F. C. funds.

Read and adopted.

Senator DeBerry asked to be recorded as voting "No."

H. C. R. No. 62.

The Chair laid before the Senate: H. C. R. No. 62, Granting Mr. and Mrs. E. A. Ellet permission to sue the State.

Read and adopted.

Senator DeBerry asked to be recorded as voting "No."

H. C. R. No. 61.

The Chair laid before the Senate: H. C. R. No. 61, Granting W. F. Sewell permission to sue the State.

Read and adopted.

Senator DeBerry asked to be recorded as voting "No."

H. C. R. No. 56.

The Chair laid before the Senate: H. C. R. No. 56, Granting Abilene Plumbing Co. permission to sue the State.

Read and adopted.

Senator DeBerry asked to be recorded as voting "No."

House Bill No. 926.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 926, A bill to be entitled "An Act providing for open seasons for the taking and killing of squirrels in Kaufman County during the months of May, June, July, October, November, and December, of each year; providing the penalty for violation of said Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 926 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

House Bill No. 650.

Senator Woodruff called up from the table the following bill:

By Mr. Fain:

H. B. No. 650, A bill to be entitled "An Act to amend Acts, 1929, Forty-first Legislature, Regular Session, page 523, Chapter 250, Section 2, relating to the giving of bond by commercial colleges, so as not to apply to commercial colleges that sell no scholarship or require no other advance payments; and declaring an emergency."

The bill failed to pass to third reading by the following vote:

Yeas—8.

Fellbaum.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Oneal.	Woodward.

Nays—23.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Woodul.
Neal.	

Motion to Reconsider.

Senator Greer moved to reconsider the vote by which H. B. No. 650 failed to pass to third reading and spread the motion on the Journal.

Free Conference Report.

Senator Beck called up the Free Conference Committee report on H. B. No. 167.

Senator Rawlings moved to adopt the report.

Senator Purl sent up the following written substitute motion:

Mr. President:

I move as a substitute that the Senate do not concur in the Free Conference report on H. B. No. 167 and that the present members of the Conference Committee appointed to adjust the differences between the House and Senate be discharged and a new Conference Committee be appointed to adjust such differences with specific instructions not to agree to any conference report on this departmental bill until all of the provisions now in the bill be stricken from it that relate directly or indirectly, or providing for appropriation for a Texas Racing Commission and/or any attempted legislation in this conference report that attempts to create, by legislative enactment, any such commission by any similar name; and not to agree until all provisions now in the Conference report as reflected on pages 2648, 2649, 2650, 2651, and 2652 of the House Journal under date of

May 17, 1933, be stricken from the report. Said committee is specifically authorized and directed to adjust the differences between the House and Senate on this departmental bill and to not agree to include in any Conference report on H. B. No. 167 anything that would repeal or alter any of the Penal Laws of this State.

PURL.

The substitute motion was read.

Senator Rawlings moved to table the substitute motion. The motion to table prevailed by the following vote:

Yeas—18.

Blackert.	Rawlings.
Cousins.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Pace.	Stone.
Parr.	Woodul.
Patton.	Woodward.

Nays—11.

Beck.	Neal.
Collie.	Oneal.
DeBerry.	Poage.
Greer.	Purl.
Hornsby.	Woodruff.
Murphy.	

(Pair Recorded.)

Senator Holbrook (present) who would vote yea, with Senator Moore (absent) who would vote nay.

Senator Poage sent up the following written points of order:

No. 1:

I raise the point of order that the conference committee report on H. B. No. 167 is out of order because it violates the provisions of Section 44, Article III of the Constitution of Texas, because such report seeks to grant by appropriation public money for purposes not authorized by pre-existing law.

POAGE,
DeBERRY,
PURL.

No. 2:

I raise the point of order that the conference committee report on H. B. No. 167 is out of order because it violates the provisions of Section 30

of Article III of the Constitution of Texas, in that this report seeks to so amend a bill in its passage through the houses of the Legislature so as to change its original purpose.

POAGE,
DeBERRY,
PURL.

No. 3:

I raise the point of order that the conference committee report on H. B. No. 167 is out of order because it violates the provisions of Section 34 of Article III of the Constitution of Texas, in that this report seeks to secure the passage of a bill by the Legislature which had been considered as defeated by one House of the Legislature at the same session.

POAGE,
DeBERRY,
PURL.

No. 4:

I raise the point of order that the conference committee report on H. B. No. 167 is out of order in that it violates the provisions of Section 35, Article III of the Constitution of Texas, in that such report seeks to include in one bill more than one subject.

POAGE,
DeBERRY,
PURL.

Senator Greer moved to recess until 2 o'clock p. m. The motion was lost by the following vote:

Yeas—12.

Beck.	Neal.
Collie.	Oneal.
DeBerry.	Pace.
Greer.	Poage.
Hornsby.	Purl.
Murphy.	Woodruff.

Nays—18.

Blackert.	Rawlings.
Cousins.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Martin.	Stone.
Parr.	Woodul.
Patton.	Woodward.

Absent.

Moore.

The question recurred upon the points of order.

The points of order were read.

Senator Greer moved to recess until 3 o'clock p. m. The motion was lost by the following vote:

Yeas—12.

Beck.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Poage.
Greer.	Purl.
Hornsby.	Woodruff.

Nays—18.

Blackert.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Pace.	Stone.
Parr.	Woodul.
Patton.	Woodward.

Absent.

Moore.

Senator Hopkins moved that the points of order be immediately decided, as provided in Senate Rule No. 95. The motion was properly seconded.

The motion prevailed by the following vote:

Yeas—25.

Blackert.	Patton.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—5.

Beck.	Murphy.
DeBerry.	Poage.
Greer.	

Absent.

Moore.

The Chair, Lieutenant Governor Edgar E. Witt, held that no points of order could be raised against a

conference committee report, and overruled the points of order.

Senator Purl sent up the following point of order:

We raise the point of order that this free conference report violates Section 33 of Article III, that requires:

"All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills."

POAGE,
PURL.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

On motion of Senator Small, the previous question was ordered on the further consideration of the free conference committee report.

The report was adopted by the following vote:

Yeas—19.

Blackert.	Redditt.
Cousins.	Regan.
Duggan.	Russek.
Fellbaum.	Sanderford.
Hopkins.	Small.
Martin.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Rawlings.	

Nays—10.

Beck.	Murphy.
Collie.	Neal.
DeBerry.	Oneal.
Greer.	Poage.
Hornsby.	Purl.

(Pair Recorded.)

Senator Holbrook (present) who would vote yea, with Senator Moore (absent) who would vote nay.

Reason For Vote.

(Senator Woodward's reasons for his vote on the adoption of the conference committee report on the departmental bill which included the racing commission rider):

The departmental bill as prepared by the conference committee of which I was a member, appropriated \$11,630,120.00 for the support of the State institutions. This amount was a reduction of \$4,562,316.00

over the appropriation made for the same departments in 1931. A majority of the conference committee voted to include in the departmental bill, as relates to the Department of Agriculture, the amendment known as the racing commission rider. At the written request of Senator Hopkins who was absent, I cast his vote in favor of the rider. In signing the report I did so as a member of the committee, and considered it as a report to the Senate of the action of a majority of the conference committee.

I voted as a member of the Senate to adopt the conference report which included the racing commission rider for the reasons:

(1) The House had already adopted the report by a vote of 78 to 41 which clearly indicated that it probably would be useless for the Senate to reject the report and request the appointment of a new committee with instructions to eliminate the racing commission rider from the appropriation bill; it appearing to me that the House would not concur in such movement and we would therefore be hopelessly deadlocked and result in a continuance of this session for a longer period than we should.

(2) There is considerable doubt as to the validity of the bill and I did not feel like rejecting a bill which had saved the people four and one half million dollars just because it contained an objectionable rider of doubtful validity.

(3) I am also of the opinion that the objections to the racing commission rider have been highly exaggerated and it will not do the injury or harm as pictured by some. We condone the playing of bridge for prizes and for money. We condone the betting on football and baseball games and other sports and there is at least a rather widespread desire upon the part of the people of Texas and from my district that we legalize a system which is known as the Certificate Plan as relates to the racing of horses and which is, in my judgment, not a very serious form of wagering.

The public generally will not engage in wagering of any money on the result of a contest between horses and the infrequency of the

sport will prevent any one from forming the habit of attending races or wagering money on the result of any race.

I represent a district which at one time was recognized as a section in the State which bred fine horses. I have received many letters, telegrams and personal requests to support the measure and have had very few to request me not to support it. Regardless of the merits of the bill, however, we were confronted with either rejecting the part which would have rejected the entire appropriation of \$11,630,120 and this I did not feel inclined to do, the House having adopted it by nearly a two to one vote. It clearly indicated to me that they would not consent to the appointment of another committee with instructions. Therefore, our efforts would not have resulted in eliminating the racing commission rider from the bill. The rider will no doubt expire in two years, even though it is held a legal rider. I feel it was best to adopt the report rather than reject it, especially when the House had adopted it by so large a vote. I do not consider the action of the committee or the Legislature as setting any dangerous precedent, as such question will not likely occur again in years and years to come. The report could not be amended. It had to be rejected as a whole or adopted as a whole.

WOODWARD.

Motion to Reconsider.

Senator Woodruff sent up the following written motion:

Mr. President: I voted "Yea" on the adoption of the conference report on House Bill No. 167, which was the prevailing side, and I now move to reconsider and spread on the Journal the vote by which the report was adopted, in order that further consideration can be given thereto as to the constitutionality of the section of the report creating a racing commission in this State.

WOODRUFF.

The motion was read.

Senator Holbrook called the motion from the Journal.

Senator Rawlings moved to table the motion to reconsider. The motion to table prevailed by the following vote:

Yeas—17.

Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Pace.	Stone.
Parr.	Woodward.
Patton.	

Nays—11.

Beck.	Neal.
Collie.	Oneal.
DeBerry.	Poage.
Greer.	Purl.
Hornsby.	Woodruff.
Murphy.	

Absent.

Blackert.	Woodul.
Moore.	

Recess.

On motion of Senator Pace, the Senate, at 1:20 o'clock p. m., recessed until 3 o'clock p. m.

After Recess.

The Senate met at 3 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. Walter Woodul.

Point of No Quorum.

Senator Woodul raised the point of order that a quorum was lacking. The roll call showed the following present:

Beck.	Pace.
Blackert.	Poage.
Collie.	Redditt.
DeBerry.	Regan.
Duggan.	Russek.
Fellbaum.	Sanderford.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Oneal.	

Absent.

Cousins.	Parr.
Greer.	Patton.
Holbrook.	Purl.
Hopkins.	Rawlings.
Martin.	Small.
Neal.	Stone.

On motion of Senator Blackert, a call of the Senate was ordered for the purpose of securing a quorum.

Senators Greer and Holbrook ap-

peared voluntarily and completed the quorum.

Senator Excused.

On motion of Senator Fellbaum, Senator Stone was excused for the afternoon on account of important business.

Free Conference Report.

Senator Oneal sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, May 16, 1933.

Hon. Edgar E. Witt, President of the Senate:

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two Houses in respect to S. B. No. 262, have duly adjusted the differences between the two Houses, and beg to report it back to the respective Houses with the recommendation that the attached bill be adopted in lieu of the bill as finally passed.

ONEAL,

COLLIE,

POAGE,

REGAN,

DUGGAN,

On the part of the Senate.

LEONARD,

JONES of Atascosa,

MOFFETT,

METCALFE,

On the part of the House.

By Oneal.

S. B. No. 262.

A BILL

To Be Entitled

An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before February 1, 1933, due the State, any county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State provided same are paid on or before September 30, 1933, with an addition of one per cent on said taxes; provided said taxes are paid after September 30, 1933,

and on or before December 31, 1933, with an addition of two per cent on said taxes; and provided said taxes are paid after December 31, 1933, and on or before March 31, 1934, with an addition of four per cent on said taxes; and provided that said taxes are paid after March 31, 1934, and on or before June 30, 1934, with an addition of six per cent on said taxes; and providing further that this act releasing penalties and interest shall not apply to cities, towns, and villages, and special school districts, and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of said ad valorem and poll taxes will accelerate the payment thereof; and such governing body has adopted a resolution, or ordinance, evidencing such finding, and upon the recording of such findings of fact, shall have the authority to put in force and effect the provisions hereof as to any such city, town, or village, or special school district or independent school district; and for the purpose, in Section 2 of this Act, of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before February 1, 1933, due any city, town, village, special school district, independent school district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined self-governing subdivisions of the State, except counties, providing said taxes are paid on or before September 30, 1933, with an addition of one per cent on said taxes; or that in the event any person, firm, association of persons or corporation shall not be financially able to pay all delinquent taxes owed by such person, firm, association of persons or corporation on or before September 30, 1933, and shall in that event on or before such date appear before the public official charged with the duty of collecting said taxes and make

sworn affidavit of such financial inability to pay all of said taxes and in the event of the presentation of such affidavit with a sum equal to twenty per cent of all such delinquent ad valorem and poll taxes owed by said person, firm, association of persons or corporation, the public official charged with the duty of collecting such taxes shall be empowered to accept such twenty per cent and credit the amount to the payment of taxes first delinquent; and the payer of such twenty per cent within such time shall be allowed to make second payment of twenty per cent on or before June 30, 1934, and third payment of like amount on or before December 31, 1934, and the fourth payment of like amount on or before June 30, 1935, and the fifth payment on or before December 31, 1935; that each installment provided for shall bear interest at the rate of six per cent from September 30, 1933, to be paid with each installment; that the failure to pay any one of the installments provided for shall immediately cause the delinquent ad valorem and poll taxes on which penalties and interest are released to be subject to the general laws of this State governing the collection of delinquent taxes; that the provisions of this section (section 2) of this Act shall not apply to any city, town, village, special school district, independent school district, levee improvement district, water improvement district, water control and improvement district, irrigation district, or other defined self-governing subdivision of the State, except counties, until the governing body of any such city, town, village, special school district, independent school district, levee improvement district, water improvement district, water control and improvement district, irrigation district, or other defined self-governing subdivision of the State, except counties, finds that unusual and excessive default in the payment of ad valorem and poll taxes has occurred and an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accel-

erate the collection thereof; and such governing body shall adopt a resolution or ordinance evidencing such findings of fact; providing for the release of cost under certain circumstances; providing that anyone desiring to pay at one time all delinquent taxes for any one year on the same property may so pay without paying other delinquent taxes on the same; providing that all laws in conflict with this Act are expressly suspended during the term of this Act; providing that any section, clause, sentence, paragraph or part of the Act be judged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Act; stating the policy of the Legislature; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all interest and penalties that have accrued on all ad valorem and poll taxes that were delinquent on or before February 1, 1933, due the State, any county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State (and, subject to the provisions hereinbefore and hereinafter contained, such interest and penalties on delinquent ad valorem and poll taxes due cities, towns and villages, and special school districts and independent school districts), shall be and the same are hereby released, provided, said ad valorem and poll taxes are paid on or before September 30, 1933, with an addition of one per cent penalty on said taxes; and shall be and the same are hereby released, provided said ad valorem and poll taxes are paid after September 30, 1933, and on or before December 31, 1933, with an addition of two per cent penalty on said taxes; and shall be and the same are hereby released provided said ad valorem and poll taxes are paid after December 31, 1933, and on or before March 31, 1934, with an addition of four per cent penalty on said taxes, and shall be and the same are hereby released, provided said ad valorem and poll taxes are paid after March 31, 1934, and on or before June 30, 1934, with an

addition of six per cent penalty on said taxes; provided that the penalties prescribed herein shall not be cumulative. It is provided that the provisions hereof shall not apply to cities, towns, and villages, and special school districts, and independent school districts unless and until the governing body of any such city, town or village, or special school district or independent school district finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body shall adopt a resolution, or ordinance, evidencing such finding, and upon the recording of such findings of fact, the provisions of this Act shall be in full force and effect as to any such city, town or village, or special school district or independent school district. It is hereby expressly and specifically provided that penalties and interest herein released are released only on delinquent ad valorem and poll taxes and on no other taxes.

Sec. 2. And in the alternative and in the event the taxes are not paid as provided in Section 1 hereof, they may be paid in the manner set forth in this section by parties delinquent to the subdivisions enumerated in this section. That all interest and penalties that have accrued on all ad valorem and poll taxes that were delinquent on or before February 1, 1933, due any city, town, village, special school district, independent school district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined self-governing subdivisions of the State, except counties, shall be and the same are hereby, subject to the provisions hereinafter contained, released, provided said ad valorem and poll taxes are paid on or before September 30, 1933, with an addition of one per cent penalty on said taxes; or, in the event any person, firm, association of persons or corporation shall not be financially able to pay all delinquent taxes owed by such person, firm, association of persons or corporation on or before the due date of September 30, 1933, then, in that event, such person, firm, association of persons or corpo-

ration may, on or before September 30, 1933, appear before the public official charged with the duty of collecting said taxes and make sworn affidavit of such financial inability to pay all of said taxes. And in the event of such presentation of affidavit such person, firm, association of persons or corporation shall accompany the affidavit with a sum equal to twenty (20%) per cent of all such delinquent ad valorem and poll taxes owed by said person, firm, association of persons or corporation and the public official charged with the duty of collecting said delinquent ad valorem and poll taxes shall and is hereby empowered to accept such twenty (20%) per cent and shall credit the amount toward the payment of those taxes which were first delinquent. The person, firm, association of persons or corporation making such twenty (20%) per cent payment on or before September 30, 1933, shall be allowed to make the second payment of twenty (20%) per cent on or before June 30, 1934, the third payment of like amount on or before December 31, 1934, and the fourth payment of like amount on or before June 30, 1935, and the fifth and last payment of the balance due on or before December 31, 1935, each of which payments shall be accepted by the public official charged with the duty of collecting said taxes and shall be credited by him toward the payment of said taxes first delinquent and remaining unpaid. Each installment herein provided for shall bear interest at the rate of six per cent from September 30, 1933, said interest to be paid with each installment. The failure to pay any one of the installments herein provided for shall immediately cause the delinquent ad valorem and poll taxes on which the penalties and interest are hereby released to be subject to the general laws of this State governing the collection of delinquent taxes. It is specifically provided herein that the provisions of this section shall not apply to any city, town, village, special school district, independent school district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined self-governing subdivisions of the State, except counties, unless and until the

governing body of any such city, town, village, special school district, independent school district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined self-governing subdivision of the State, except counties, finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, and that an extension of such time in conformity with the provisions of this section will promote and accelerate the collection thereof, whereupon such governing board shall adopt a resolution or ordinance evidencing such findings, and upon the recording of such findings of fact the provisions of this Act shall be in full force and effect as to any such city, town, village, special school district, independent school district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined self-governing subdivisions of the State, except counties.

Sec. 3. That all costs of every kind and character that have accrued or attached, or that may hereafter accrue or attach to or by reason of delinquent poll or ad valorem taxes on which said poll or ad valorem tax the interest and penalties have been released by any of the provisions of this Act, shall be and the same are hereby released and no such costs shall hereafter be charged, collected, or accounted for, provided, however, that any costs that are now due and payable to any officer or official shall remain a valid obligation, notwithstanding the provision hereof.

Sec. 4. Any one desiring to pay at one time all the delinquent taxes for any one year shall have the right to pay the same under the provisions of this bill without at the same time paying any other taxes that may be then delinquent upon the same property.

Sec. 5. All laws and parts of laws in conflict herewith are hereby expressly suspended during the term of this Act so far as they may affect this Act.

Sec. 6. It is provided further that in case any section, clause, sentence,

paragraph or part of this Act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Sec. 7. This bill is enacted into a law because of the dire need of school districts and other subdivisions for funds from delinquent taxes to continue to function, and for the further purpose of giving the distressed taxpayers an opportunity to pay their taxes without the burden of the penalties and interest that have accrued. But it shall not be understood from the enactment of this law that it is the policy of the Legislature to continue to remit penalty and interest. The Forty-third Legislature here declares that a continuation of the policy of remitting penalty and interest on delinquent taxes would be detrimental to the best interest of this State and would, if continued, lead to still greater delinquencies in tax payments than has ever been in the history of this State.

Sec. 8. The fact that millions of dollars in taxes are now due and have been due to the State and its subdivisions for many years past by people who would meet their obligations to the State Government if the heavy costs and penalties and interest were omitted, creates an emergency and an imperative public necessity demanding that the constitutional rule which required all bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and said Act shall be in force and take effect from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—21.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Poage.
Cousins.	Redditt.
DeBerry.	Regan.
Duggan.	Russek.
Fellbaum.	Sanderford.
Greer.	Small.
Hornsby.	Woodruff.
Moore.	Woodward.
Murphy.	

Nays—3.

Holbrook.
Pace.

Woodul.

Absent.

Hopkins.
Martin.
Parr.
Patton.

Purl.
Rawlings.
Stone.

House Bill No. 612.

Senator Fellbaum called up from the table the following bill:

By Mr. Kyle of Palo Pinto and Mr. Fuchs:

H. B. No. 612, A bill to be entitled "An Act to provide for the propagation and raising of fresh-water game fish in privately-owned ponds and lakes, or in streams connecting such privately-owned ponds, or lakes, and not subject to overflow, or directly connected with any public lake or public navigable stream, as defined by the laws of Texas; and prescribing conditions and regulations under which such privately-owned game fish may be sold, and providing penalties for violation, and repealing all laws in conflict with this Act, and declaring an emergency."

Senator Oneal sent up the following amendment:

Amend House Bill No. 612 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. It shall be unlawful to sell or offer for sale any of the game fish of this State except such fish as are taken from a lake or pond on private property, when such lake or pond is not fed by any streams and is not subject to overflow from any stream or is not fed by any canal or ditch leading from a stream into such pond or lake. Such pond or lake may be fed by water-shed, by well or by pumping from a stream when the pump line is so screened at the intake as to prevent the passage of any fish through such line into such pond or lake and such screen shall be maintained at all times. And it shall be unlawful for any person to sell any game fish until he has obtained the license herein required.

Sec. 2. It shall be unlawful for any person, firm, corporation or association of persons to sell or offer for sale any of the game fish of this

State or to charge any person for the privilege of catching any fish on any property which they own or control until such person, firm, corporation or association of persons has made application for and has obtained from the Game, Fish and Oyster Commission, at its office in Austin, Texas, a fishing preserve license for which there shall be paid the sum of five (\$5.00) dollars and which license shall be valid until August 31st following date of issuance, unless same is issued prior to August 31st, 1933, whereupon such license shall be valid until August 31st, 1934. Such license shall be valid for only one locality in this State and described in such license. And it shall be unlawful for any person to sell or offer for sale any game fish of this State unless such fish are taken from a pond or lake from which the sale of fish is not prohibited by Section 1 of this Act. And it shall be unlawful to take from any fishing preserve for the purpose of sale for food any of the game fish of this State during the months of February, March or April of any years, or for any person to purchase, take, catch or attempt to take or catch any such game fish from any pond, pool, stream, lagoon or other body of water in this State during the months of February, March or April of any year. No fishing preserve license shall be required of any person reselling game fish for food when same are purchased from a person, firm or corporation operating under a fishing preserve license.

Sec. 3. It shall be unlawful for any person, firm or corporation of this State to purchase any of the game fish of this State from the operator of a fishing preserve unless such fish are accompanied by an invoice. Each such preserve, where same is located, operator of same and number of license under which he is operating and on such invoice shall be listed the number and weight and species of fish sold and the operator of a fishing preserve shall send a duplicate copy of such invoice to the Game, Fish and Oyster Commission at Austin, Texas, at the time of delivery or shipping fish covered by such invoice, and it shall be a violation of this Act for any operator of a fishing preserve to sell, ship or deliver game fish that are

not accompanied by such invoice correctly made out and unless copy of such invoice has been mailed to the Game, Fish and Oyster Commission. It shall be unlawful for any common carrier to accept game fish for shipment from the operator of a fishing preserve unless such invoice is firmly attached to the package containing the fish being shipped.

Sec. 4. It shall be unlawful for any operator of a fishing preserve to ship, deliver, sell or offer for sale any game fish unless each such fish delivered, sold or offered for sale has firmly attached to same a tag procured from the Game, Fish and Oyster Commission at its office in Austin, Texas. Each such tag shall bear a serial number and may be had upon payment of the sum of one cent for each such tag and an additional fifty cents for each order of said tags; provided that no tag shall be required of fingerling or fry sold or delivered for propagation purposes but that the requirements of invoice shall be the same as for other game fish. It shall be unlawful for any person, firm or corporation purchasing game fish from a fishing preserve to detach the tag from any game fish purchased until such fish is prepared for cooking or is being released for propagation purposes.

Sec. 5. It shall be unlawful for any person who is operating any fishing preserve to sell any game fish or to offer same for sale unless such fish have been propagated within the bounds of the fishing preserve which he is operating.

Sec. 6. For the purpose of this Act, bass, including large mouthed black bass (*micropterus salmoides*), spotted bass (*micropterus pseudoplites*), rock bass (*ambloplites rupestris*), yellow bass (*chrysoperca interrupta*), white bass (*lepibema chrysops*) and small mouthed black bass (*micropterus dolomieu*); crappie or white perch, including white crappie (*pomoxis annularis*) and calico bass (*pomoxis sparoides*), war-mouth (*chaenobryttus gulosus*), commonly referred to as goggle-eye, green sunfish (*apomotis cyanellus*), commonly referred to as goggle-eye, blue gill and other sun-fish commonly referred to as bream including (*helioperca incisor*), long-eared

sun-fish (*xenotis megalotis*) and channel catfish (*ictalurus punctatus*) are hereby declared to be and are defined as the game fish of this State.

Sec. 7. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred (\$100.00) dollars nor more than two hundred (\$200.00) dollars and each violation of this Act shall constitute a separate offense.

Sec. 8. All moneys collected from licenses, tags or fines or any other fees imposed by the provisions of this Act shall be deposited by the Game, Fish and Oyster Commission in the State Treasury to the credit of the Special Game Fund and used for all of the purposes provided by law for the use of said fund.

Sec. 9. All laws or parts of laws, in so far as they may conflict with any provision of this Act or in so far as they may deny any privilege which it is the purpose of this Act to confer, are hereby repealed.

Sec. 10. The fact that there is no adequate law in this State permitting a person to engage in the business of propagating game fish for sale and the fact that many persons desire to engage in such business, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Fellbaum moved to table the amendment. The motion prevailed by the following vote:

Yeas—12.

Fellbaum.	Poage.
Greer.	Rawlings.
Hornsby.	Regan.
Moore.	Russek.
Neal.	Woodruff.
Parr.	Woodul.

Nays—10.

Blackert.	Oneal.
Collie.	Pace.
DeBerry.	Patton.
Holbrook.	Purl.
Murphy.	Small.

Absent.

Beck.	Martin.
Cousins.	Redditt.
Duggan.	Sanderford.
Hopkins.	Woodward.

Absent—Excused.

Stone.

The bill was passed to third reading.

On motion of Senator Fellbaum, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 612 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Regan.
Greer.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Woodruff.
Neal.	Woodul.

Nays—2.

Holbrook.	Oneal.
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Absent.

Hopkins.	Redditt.
Martin.	Woodward.

Absent—Excused.

Stone.

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Martin.	Small.
Moore.	Woodruff.
Neal.	Woodul.
Pace.	

Nays—5.

DeBerry.	Oneal.
Holbrook.	Purl.
Murphy.	

Absent.

Greer. Sanderford.
Hopkins. Woodward.

Absent—Excused.

Stone.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, May 18, 1933.

Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

S. B. No. 100, A bill to be entitled
"An Act making appropriations to
cover deficiencies in appropriations
heretofore made for the support of
the Judiciary Department of the
State Government for the fiscal years
ending August 31, 1928, 1929, 1930
and 1931, and declaring an emer-
gency."

(With amendments.)

S. B. No. 468, A bill to be entitled
"An Act making an appropriation to
be paid out of the General Revenue
Fund of the State of Texas the sum
of Five Hundred and Sixty-six Dol-
lars and Sixty-five Cents (\$566.65),
not otherwise appropriated, to cover
rental for vault space in the Austin
National Bank, of Austin, Texas,
from March 9, 1933, to August 31,
1933; and declaring an emergency."

S. B. No. 242, A bill to be entitled
"An Act to provide an emergency
appropriation of one million, six
hundred fourteen thousand, seven
hundred twenty-three (\$1,614,723)
dollars, or as much thereof as may
be necessary, to be used for the pay-
ment of salary aid, high school per
capita aid, industrial aid, tax sup-
plementary aid, high school tuition
aid, transportation aid, consolidation
bonus, repealing all laws in conflict
herewith; and declaring an emer-
gency."

(With amendments.)

The house failed to pass to en-
grossment the following bill:

S. B. No. 318, A bill to be entitled
"An Act making certain emergency
appropriations out of general rev-
enue of the State Treasury to the
Department of Agriculture to print
Farm Census data; for payment of
electroplates, etchings, and ma-

terials purchased; for salary of Mrs.
Avon Garrett, one month; and for
printing such farm data in bulletin
form to be distributed by using
franking privileges permitted by
joint agreement between the De-
partment of Agriculture and United
States Crop Reporting Service, and
declaring an emergency."

(With amendments).

S. B. No. 553, A bill to be entitled
"An Act making an emergency ap-
propriation of \$1,500.00 for postage
to be used by the State Department
of Education during the remainder
of the fiscal year ending August 31,
1933, and declaring an emergency."

(With amendments).

S. B. No. 247, A bill to be entitled
"An Act creating a physical restora-
tion service for crippled children in
the Vocational Rehabilitation Divi-
sion of the State Department of Edu-
cation; providing for the powers and
duties of said service; granting unto
said service power to establish diag-
nostic clinics and to designate hos-
pitals for the care, treatment and
hospitalization of crippled children;
and to pay the costs thereof in cases
of indigent children; designating the
county judge as the agency to deter-
mine and certify who are indigent
children, and to make the necessary
appropriation for carrying out the
provisions of this Act; and declaring
an emergency."

(With amendments).

S. B. No. 288, A bill to be entitled
"An Act making an appropriation
to be paid out of the General Rev-
enue Fund of the State of Texas the
sum of Twelve Thousand, Eight Hun-
dred and Ninety-six Dollars and
Eleven Cents (\$12,896.11), not
otherwise appropriated, to cover
taxes due by the State of Texas to
Brazoria County, covering the years
1929 to 1932, inclusive; and declar-
ing an emergency."

S. B. No. 289, A bill to be entitled
"An Act making appropriations out
of the Sand, Shell and Gravel Fund
of this State to pay certain refunds
of the tax collected by the Game,
Fish, and Oyster Commission on
sand, shell and gravel used by coun-
ties, cities and towns for construct-
ing streets and roads; and declaring
an emergency."

S. B. No. 500, A bill to be entitled
"An Act amending Article 8183, and

Article 8184, Chapter 7, Title 128, Revised Civil Statutes of the State of Texas, 1925, providing for the dissolution of drainage districts, water improvement districts, and all other reclamation districts created for the conservation, reclamation and protection of the natural resources of the State of Texas, and providing more fully for the liquidation, settlement and payment of all established and valid indebtedness of such district at the time of its dissolution, and providing for the payment of taxes against the persons and property assessed and assessable in such district with bonds, coupons, and indebtedness of said district, which may have been approved by the commissioners court; and providing for the payment of all taxes and the settlement of all liability of the owner or owners of property in such district through payment in bonds and/or coupons or approved accounts of said district, so that the party and parties so paying and the property upon which payment is made shall be relieved from all further liability for or on account of any and all indebtedness of such district and from further payment of taxes, and providing for the giving and recording of release, in such event, and declaring an emergency."

(With amendments).

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Motion to Concur.

On motion of Senator Holbrook, the Senate concurred in the four House amendments to S. B. No. 553 by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

Hopkins.

Purl.

Free Conference Requested.

On motion of Senator Duggan, the Senate refused to concur in the House amendments to S. B. No. 242 and requested the appointment of a Free Conference Committee.

The Chair appointed the following on the part of the Senate:

Greer, Duggan, Regan, Redditt and Blackert.

Motions to Concur.

Senator Holbrook moved to concur in the two House amendments to S. B. No. 100.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.

Nays—1.

Purl.

Absent.

Poage.

Absent—Excused.

Stone.

Senator Hornsby moved to concur in the six House amendments to S. B. No. 500. The motion prevailed by the following vote:

Yeas—27.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Fellbaum.	Patton.
Greer.	Poage.
Holbrook.	Rawlings.
Hornsby.	Redditt.

Regan. Woodruff.
 Russek. Woodul.
 Sanderford. Woodward.
 Small.

Nays—1.

Purl.

Absent.

Hopkins. Martin.

Absent—Excused.

Stone.

House Bill No. 459.

Senator Neal called up from the table the following bill:

By Mr. Cathey, Mr. Dunagan, Mr. Hester, Mr. Hyder, Mr. Chastain, Mr. Latham, and Mr. Holloway:

H. B. No. 459, A bill to be entitled "An Act to amend Acts 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, Section 13, relating to the issuance of license number plates; providing that said plates shall be manufactured and produced in the State Penitentiary at Huntsville, Texas, and declaring an emergency."

Senator Neal sent up the following amendments:

Amend H. B. No. 459, by adding a new section to be known as Section 3.

"Sec. 3. There is hereby appropriated out of the general revenues of this State the sum of thirty-five thousand (\$35,000.00) dollars, or so much thereof as is necessary, for the purchase of materials and machinery, and the installation of the same, in order to carry out the provisions of this Act."

Amend the caption accordingly.

NEAL.

The amendment was read.

Amend H. B. No. 459, by striking out Section 2 and inserting in lieu thereof the following:

"Sec. 2. On proper requisition from the State Highway Department, the State Board of Control shall order the designated quantity of license plates and road signs from the State Penitentiary. The State Board of Control shall determine and set the price to be charged for each item."

NEAL.

The amendment was read.

On motion of Senator Neal, the bill was laid on the table subject to call.

Bill Signed.

The Chair, President Pro. Tem. Walter Woodul, gave notice of signing, and did sign, in the presence of the Senate after its caption had been read, the following bill:

H. B. No. 926.

Motion to Reconsider.

Senator Pace called from the Journal the motion to reconsider the vote by which H. B. No. 650 failed to pass to third reading.

Senator Holbrook moved to table the motion to reconsider. The motion prevailed by the following vote:

Yeas—14.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Moore.	Regan.
Pace.	Woodul.

Nays—8.

DeBerry.	Neal.
Fellbaum.	Oneal.
Greer.	Woodruff.
Hornsby.	Woodward.

Absent.

Hopkins.	Sanderford.
Martin.	Small.

Absent—Excused.

Stone.

(Pairs Recorded.)

Senator Beck (present) who would vote nay, with Senator Redditt (absent) who would vote yea.

Senator Murphy (present) who would vote nay, with Senator Russek (absent) who would vote yea.

House Bill No. 900.

The Chair laid before the Senate, by unanimous consent, the following bill:

H. B. No. 900, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem

taxes heretofore made by independent school districts in this State, in counties having a population of not less than 16,563, and not more than 16,963, according to the last preceding Federal census, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory board of equalization; and which are insufficient, and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Collie, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 900 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Regan.
Greer.	Sanderford.
Holbrook.	Small.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent.

Hopkins.	Redditt.
Martin.	Russek.
Poage.	

Absent—Excused.

Stone.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Duggan.
Blackert.	Fellbaum.
Collie.	Greer.
Cousins.	Holbrook.
DeBerry.	Hornsby.

Moore.	Rawlings.
Murphy.	Regan.
Neal.	Sanderford.
Oneal.	Small.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Purl.	

Absent.

Hopkins.	Redditt.
Martin.	Russek.
Poage.	

Absent—Excused.

Stone.

Motion to Concur.

Senator Purl moved to concur in the House amendment to S. J. R. No. 2. The motion prevailed by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Regan.
Greer.	Sanderford.
Holbrook.	Small.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent.

Hopkins.	Redditt.
Martin.	Russek.
Poage.	

Absent—Excused.

Stone.

House Bill No. 558.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Mr. Harris, Mr. Long, and Mr. Fisher:

H. B. No. 558, A bill to be entitled "An Act abolishing the office of district attorney for the Thirtieth Judicial District, comprising Young, Archer, and Wichita Counties; and providing that the now county attorneys shall act as criminal district attorneys for their respective counties, from and after the date of the expiration of the term of office to which the now district attorney was elect-

ed; and fixing the fees of their office created by this Act."

Read third time and finally passed.

House Bill No. 921.

The Chair laid before the Senate, by unanimous consent, the following bill:

H. B. No. 921, A bill to be entitled "An Act declaring that where any land was titled prior to the adoption of the common law, and there has been a judicial finding that the original grantee abandoned said land prior to the adoption of the common law it shall be conclusively presumed that those now claiming said land under said original grantee or his heirs by conveyance or judgment is vested with all title which was originally vested in said grantee."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Patton sent up the following amendment:

Amend H. B. No. 921 by striking out in lines 5 and 6 the following "and there has been a judicial finding that the State of Texas has no interest in said land" and substituting therefor the following:

"and the State of Texas has at any time instituted suit for the recovery of said land, resulting in a final judgment adverse to the State of Texas whether on demurrer, exception, or a jury finding of fact."

PATTON.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Patton, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 921 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Holbrook.
Blackert.	Hornsby.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Duggan.	Oneal.
Fellbaum.	Pace.
Greer.	Parr.

Patton.	Sanderford.
Poage.	Small.
Purl.	Woodruff.
Rawlings.	Woodul.
Regan.	Woodward.

Absent.

Hopkins.	Redditt.
Martin.	Russek.

Absent—Excused.

Stone.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Regan.
Holbrook.	Sanderford.
Moore.	Small.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—2.

DeBerry.	Hornsby.
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Absent.

Hopkins.	Redditt.
Martin.	Russek.

Absent—Excused.

Stone.

Motion to Concur.

Senator Neal moved to concur in the three House amendments to S. B. No. 247. The motion prevailed.

Recess.

Senator Rawlings moved to adjourn until 10 o'clock tomorrow morning.

Senator DeBerry moved to recess until 10 o'clock tomorrow morning.

The motion to adjourn was lost by the following vote:

Yeas—8.

Fellbaum.	Parr.
Hopkins.	Patton.
Moore.	Rawlings.
Pace.	Woodul.

Nays—15.

Blackert.	DeBerry.
Collie.	Duggan.

Holbrook. Purl.
Hornsby. Regan.
Murphy. Sanderford.
Neal. Woodruff.
Oneal. Woodward.
Poage.

Absent.

Beck. Redditt.
Cousins. Russek.
Greer. Small.
Martin.

Absent—Excused.

Stone.

The motion to recess prevailed, and at 5:36 o'clock p. m., the Senate recessed.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 546 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 479 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 54, carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 414 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 478 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 69 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 542 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 564 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 485 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 70, carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 28 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 652, A bill to be entitled "An Act to safeguard the consumers of natural gas, whether used on a domestic, commercial or industrial basis, against excess charges, by prohibiting the ready to serve charge and/or fixed service charge by the gas companies, corporations or individuals serving natural gas on a domestic, commercial or industrial basis; defining ready to serve charge; providing a penalty for violations of said Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 895, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, kill or attempt to kill by any means whatsoever, any wild turkey in the Counties of Guadalupe and Comal for a period of five (5) years; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 47, A bill to be entitled "An Act prohibiting the wilful taking, injury, or destruction of trees, shrubs, vines, flowers, and moss on land reserved, set aside, or maintained by the State as a public highway, or public park, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 893, A bill to be entitled "An Act providing for the taking of fish from the fresh waters of Cooke County, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one-half (1½) inches square; providing that seines and nets may be used only during the month of August; providing when a seine is used during the month of August it shall be used only to seine fish for propagation purposes; providing seining shall be under the supervision of a Game Warden; providing nothing herein shall be construed to prohibit use of a seine not more than twenty (20) feet in length to seine for bait; and making it unlawful to take or possess any such fish for the purpose of sale; fixing penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 932, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Houston County during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, May 18, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 903, A bill to be entitled "An Act designating fur-bearing animals, declaring them the property of the State, declaring a five (5) year closed season on wild fox in Van Zandt County; and providing a penalty for violation of this Act; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, May 18, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 933, A bill to be entitled "An Act providing in counties having more than sixty-two thousand, five hundred (62,500) inhabitants and less than seventy-four thousand, four hundred and twenty-five (74,425) inhabitants according to the last or any subsequent Federal census, providing for the election, oath, and bond of the office of assessor and collector of taxes, as combined

by the recent amendment to the Constitution; providing that Article 7181 to 7359 inclusive, Title 122 of the 1925 Revised Civil Statutes of Texas, including all amendments as well as the 1925 Revised Civil Statutes shall be so construed as to carry out the purposes of the constitutional amendment providing for one office and that the words 'assessor,' and 'assessor of taxes,' 'collector,' 'collector of taxes,' or 'tax collector,' shall refer to and mean one office or officer; repealing Articles 7245, 7246, 7247, 7248 and 7249 of the 1925 Revised Civil Statutes of Texas, and Articles 7178, 7179, and 7180, Title 122 of the 1925 Revised Civil Statutes of Texas, in so far as the same conflict with the provisions of this law; providing the effective date of this Act shall be January 1, 1935, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,

Austin, Texas, May 18, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 310.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

DeBERRY, Chairman.

Committee Room,

Austin, Texas, May 16, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 200, A bill to be entitled "An Act amending Article 791 of the Penal Code providing that Section 8, of Article 827a, of the Acts of 1929, Forty-first Legislature, Second Called Session, page 72, Chapter 42, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 507, Chapter 282, relating to the speed of motor vehicles, shall not apply to fire patrols or motor vehicles operated by the fire

department of any city, town or village responding to calls, nor to police patrols or physicians and/or ambulances responding to emergency calls; and providing that incorporated cities and towns may by ordinance regulate the speed of ambu-

lances, and declaring an emergency." Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COLLIE, Chairman.

Final Disposition of Bills.

SUPPLEMENT.

Number of Bill or Resolu- tion	Date Filed	Vote	
		House	Senate
H. B. No. 399	May 17, 1933	Yeas 113	Yeas 27
	11:20 a. m.	Nays 0	Nays 0
S. B. No. 557	May 17, 1933	Yeas 105	Yeas 27
	3:15 p. m.	Nays 2	Nays 0
S. B. No. 558	May 17, 1933	Yeas 104	Yeas 27
	3:15 p. m.	Nays 0	Nays 0

W. W. HEATH, Secretary of State.

SEVENTY-FOURTH DAY (Cont'd.).

Senate Chamber,
Austin, Texas,
May 19, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem. Walter Woodul.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 19, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on Senate Bill No. 242. The following are conferees on the part of the House:

Harman, Ramsey, Stovall, Sullivan and Daniel.

The House has passed the following bills:

S. B. No. 185, A bill to be entitled "An Act amending paragraph No. (5) of Section 5, (Art. 4875a-5) of Chapter 274, of the General Laws of the Regular Session of the Forty-first Legislature and which relates to

the regulation of local mutual aid associations paying death benefits operating an assessment insurance benefit association and paying benefits, wherein the funds are provided by collection from the members; defining the law and the manner under which such association may operate, and said paragraph No. (5) of Section 5, which provides for the number of persons necessary to have given applications for membership in the association; the amount to be collected from each member; the showing to be made to the Board of Insurance Commissioners of Texas; a bond prescribed as a prerequisite to the organization of such associations and the amount and condition of said bond; the bond to be filed and approved before a certificate of authority is issued to said association or corporation for the conduct of the business of a local mutual aid association, and declaring an emergency."

(With amendments.)

S. B. No. 412, A bill to be entitled "An Act amending Article 7076 of the Revised Civil Statutes of Texas, 1925; relating to the recovery of money and penalties due the State of Texas; providing for the venue in such suits; and declaring an emergency."

(With amendments.)